MINUTES OF THE HOUSE TRANSPORTATION STANDING COMMITTEE

Room C450, State Capitol, Utah State Capitol Complex March 1, 2010

MEMBERS PRESENT: Rep. Bradley M. Daw, Chair

Rep. Julie Fisher, Vice Chair

Rep. Johnny Anderson
Rep. Steven D. Clark
Rep. Tim M. Cosgrove
Rep. Janice M. Fisher
Rep. Wayne A. Harper
Rep. Lynn N. Hemingway
Rep. Bradley G. Last
Rep. Steven R. Mascaro
Rep. Ronda R. Menlove
Rep. Michael T. Morley
Rep. F. Jay Seegmiller

Rep. C. Brent Wallis

STAFF PRESENT: Leif Elder, Policy Analyst

Karen Mitchell, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Daw called the meeting to order at 8:08 a.m.

MOTION: Rep. Wallis moved to approve the minutes of February 25, 2010. The motion

passed unanimously, with Rep. Cosgrove, Rep. Janice Fisher, Rep. Julie Fisher,

Rep. Harper, and Rep. Last absent for the vote.

S.B. 38 Restrictions on High Occupancy Vehicle Lane (Sen. K. Morgan) (Rep. B.

Daw)

Sen. Morgan introduced the bill to the committee.

MOTION: Rep. Menlove moved to pass the bill out favorably.

The motion passed unanimously with Rep. Cosgrove, Rep. Harper, and Rep. Last absent for the vote.

MOTION: Rep. Menlove moved to place S.B. 38 on the Consent Calendar.

The motion passed unanimously with Rep. Cosgrove, Rep. Harper, and Rep. Last absent for the vote.

Chair Daw relinquished the chair to Vice Chair Julie Fisher.

H.B. 366 Motor Vehicle Business Regulation Act Amendments (Rep. B. Daw)

MOTION: Rep. Daw moved to amend the bill as follows:

- 1. Page 1, Lines 18 through 20:
 - provides that a person engaged in a title { lender } lending , check cashing, or { similar business } deferred deposit lending business
 - that comes into possession of motor vehicles incident to the person's <u>regular</u> business shall
 - 20 <u>be licensed as a used motor vehicle dealer</u>} <u>and sells the motor vehicle under</u> <u>contractual rights that it may have in the motor vehicle is not considered a dealer</u>;
- 2. Page 1, Line 27 through Page 2, Line 30:
 - provides that a person may not, for a fee, commission, or other form of
 - compensation, arrange, offer to arrange, or broker a transaction involving the sale or lease
 - more than two used motor vehicles in any 12 consecutive month period, unless the person is
 - 30 licensed as a **new or used** motor vehicle dealer; and
- 3. Page 6, Lines 160 through 164:
 - (1) (a) An insurance company, bank, finance company, <u>company registered as a title lender under Title 7, Chapter 24, Title Lender Registration Act, company registered as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred Deposit Lending Registration Act, public utility company,</u>
 - 161 commission impound yard, federal or state governmental agency, or any political subdivision
 - of any of them or any other person coming into possession of a motor vehicle as an incident to
 - its regular business, that sells the motor vehicle under contractual rights that it may have in
 - motor vehicle is not considered a dealer.

- 4. Page 6, Lines 172 through 174:
 - 172 {<u>(c) A person engaged in a title lender, check cashing, or similar business that</u> comes
 - into possession of motor vehicles incident to the person's business shall be licensed as a used
 - 174 motor vehicle dealer.
- 5. Page 12, Lines 353 through 356:
 - (1) (a) A person may not, for a fee, commission, or other form of compensation,
 - arrange, offer to arrange, or broker a transaction involving the sale or lease of more than two :
 - 355 <u>(i)</u> new <u>or used</u> motor vehicles in any 12 consecutive month period, unless the person is licensed
 - 356 under Subsection 41-3-202(1) **; or**
 - (ii) used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(2)

The motion to amend passed unanimously, with Rep. Cosgrove and Rep. Harper absent for the vote.

Rep. Daw introduced the bill to the committee with the assistance of Wayne Jones, Independent Auto Dealers Association of Utah.

MOTION: Rep. Wallis moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Rep. Anderson moved to amend the bill.

Rep. Menlove requested the motion be divided.

- 1. Page 8, Lines 218 through 219:
 - addresses of the individuals who will act as salespersons under authority of the license[-];
 - 219 (vi) at least five years of { personal and } business history;

This part of the motion to amend passed unanimously with Rep. Cosgrove and Rep. Harper absent for the vote.

1	Page	8	Lines	220	through	224
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- 220 (vii) the federal tax identification number issued to the dealer; and
- 221 (viii) the sales and use tax license number issued to the dealer under Title 59,

 Chapter
- 222 12, Sales and Use Tax Act {; and
- 223 (ix) verification of at least two years experience in automotive sales or related
- 24 <u>automotive industry experience</u>} .

This part of the motion to amend failed with Rep. Anderson, Rep. Janice Fisher, Rep. Morley, and Rep. Julie Fisher voting in favor. Rep. Cosgrove was absent for the vote.

MOTION: Rep. Wallis moved to pass the bill out favorably as amended.

The motion passed with Rep. Morley voting in opposition. Rep. Cosgrove was absent for the vote.

Chair Daw resumed the chair.

H.B. 130 Cancer Research Special Group License Plate (Rep. B. Dee)

Rep. Dee introduced the bill to the committee.

Spoke for the bill: Michael Siler, American Cancer Society

Janet Bingham, President Huntsman Cancer Foundation

Spoke to the bill: Rod Marrelli, State Tax Commission (Handout)

MOTION: Rep. Seegmiller moved to pass the bill out favorably.

The motion passed with Rep. Anderson, Rep. Julie Fisher, Rep. Harper, and Rep. Morley voting in opposition.

S.B. 74 State Park Highway Access Amendments (Sen. D. Hinkins) (Rep. C. Watkins)

Sen. Hinkins introduced the bill to the committee.

MOTION: Rep. Menlove moved to pass the bill out favorably.

The motion passed unanimously.

MOTION: Rep. Menlove moved to place S.B. 74 on the Consent Calendar.

The motion passed unanimously.

1st Sub. S.B. 105 Motor Vehicle Accident Arbitration Amendments (Sen. S. Urquhart) (Rep. J. Dunnigan)

Sen. Urquhart introduced the bill to the committee.

Spoke for the bill: Christian Burridge, Siegfried and Jensen

MOTION: Rep. Harper moved to pass the bill out favorably.

The motion passed unanimously.

MOTION: Rep. Julie Fisher moved to adjourn.

The motion passed unanimously.

Chair Daw adjourned the meeting at 9:25 a.m.

Rep. Bradley M. Daw, Chair